

WV-100**Petition for Workplace Violence
Restraining Orders**

Clerk stamps date here when form is filed.

Read *How Do I Get an Order to Prohibit Workplace Violence* (form WV-100-INFO) before completing this form. **NOTE: Petitioner must be an employer with standing to bring this action under Code of Civil Procedure section 527.8.** Also fill out *Confidential CLETS Information* (form CLETS-001) with as much information as you know.

1 Petitioner (Employer)

- a. Name: City and County of San Francisco
 is a ☐ corporation ☐ sole proprietorship
☒ (specify): Municipality
 and is filing this suit on behalf of the employee identified in item ②.
- b. Lawyer for Petitioner (if any for this case)
 Name: Jennifer Donnellan State Bar No.: 210795
 Firm Name: City Attorney's Office

Petitioner's Address (If the petitioner has a lawyer, give the lawyer's information.)

- c. Address: 1390 Market Street, 5th Floor
 City: San Francisco State: CA Zip: 94102
 Telephone: 415-554-3917 Fax: _____
 Email Address: jennifer.donnellan@sfcityatty.org

2 Employee in Need of Protection

Full Name: Trent Rhorer
 Gender: ☒ M ☐ F ☐ Nonbinary Age: 54

3 Respondent (Person From Whom Protection Is Sought)

Full Name: Nikole Torrie Cunningham Age: 45
 Address (if known): 981 Ingerson Ave. or 88 Kiska RDS
 City: San Francisco State: CA Zip: _____

4 Additional Protected Persons

- a. Are you asking for protection for any family or household members of the employee or for any other employees at the employee's workplace or at other workplaces of the petitioner?

☒ Yes ☐ No (If yes, list them):

Full Name	Gender	Age	Household Member?	Relationship to Employee
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____

☒ Additional protected persons are listed in Attachment 4a.

FILED
 San Francisco County Superior Court

DEC 28 2023

CLERK OF THE COURT

BY: Adiana Ciofalo Deputy Clerk

Fill in court name and street address:

Superior Court of California, County of
 San Francisco
 400 McAllister Street
 San Francisco, CA 94102

Court fills in case number when form is filed.

Case Number:
GCH-23-586397

This is not a Court Order.

4 b. Why do these people need protection? (Explain):☒ Response is stated in Attachment 4b.**5 Relationship of Employee and Respondent**

a. How does the employee know the respondent? (Describe): ☐ Response is stated in Attachment 5a.
 Mr. Rhorer is the executive director of the department in which Ms. Cunningham works.

b. Respondent ☒ is ☐ is not a current employee of petitioner. (Explain any decision to retain, terminate, or otherwise discipline the respondent): ☐ Response is stated in Attachment 5b.
 Respondent has been on an extended leave of absence. Employer is currently investigating the incident and has not decided on a course of discipline.

6 Venue

Why are you filing in this county? (Check all that apply):

- a. ☒ The respondent lives in this county.
 b. ☒ The respondent has caused physical or emotional injury to the petitioner's employee in this county.
 c. ☐ Other (specify): _____

7 Other Court Casesa. Has the employee or any of the persons named in **4** been involved in another court case with the respondent?☐ No ☒ Yes If yes, check each kind of case and indicate where and when each was filed:

Kind of Case	Filed in (County/State)	Year Filed	Case Number (if known)
(1) <input type="checkbox"/> Workplace Violence	_____	_____	_____
(2) <input type="checkbox"/> Civil Harassment	_____	_____	_____
(3) <input type="checkbox"/> Domestic Violence	_____	_____	_____
(4) <input type="checkbox"/> Divorce, Nullity, Legal Separation	_____	_____	_____
(5) <input type="checkbox"/> Paternity, Parentage, Child Support	_____	_____	_____
(6) <input type="checkbox"/> Eviction	_____	_____	_____
(7) <input type="checkbox"/> Guardianship	_____	_____	_____
(8) <input type="checkbox"/> Small Claims	_____	_____	_____
(9) <input type="checkbox"/> Postsecondary School Violence	_____	_____	_____
(10) <input type="checkbox"/> Criminal	_____	_____	_____
(11) <input checked="" type="checkbox"/> Other (specify): Gun Violence EPO	San Francisco Superior	2023	230861292
Civil	San Francisco Superior	2023	CGC-23-608687 & CGC-20-587028

b. Are any restraining orders or criminal protective orders now in effect relating to the employee or any of the persons in **4** and the respondent? ☐ No ☒ Yes (If yes, attach a copy if you have one.)

This is not a Court Order.

8 Description of Respondent's Conducta. Respondent has *(check one or more)*:

- (1) ☐ Assaulted, battered, or stalked the employee
(2) ☒ Made a credible threat of violence against the employee by making knowing or willful statements or engaging in a course of conduct that would place a reasonable person in fear for his or her safety or the safety of his or her immediate family.

b. One or more of these acts *(check either or both)*:

- (1) ☐ Took place at the employee's workplace
(2) ☒ Can reasonably be construed to be carried out in the future at the employee's workplace

Address of workplace: 77 Otis Street; 170 Otis Street; 3801 Third Street; 1650 Mission Street; 1235 Mission Street; 3120 Mission Street; 2 Gough Street; and 1440 Harrison Street, San Francisco

c. Describe what happened. *(Provide details; include the dates of all incidents beginning with the most recent; tell who did what to whom; identify any witnesses):*☒ Response is stated in Attachment 8c.

d. Was the employee harmed or injured? ☐ Yes ☒ No *(If yes, describe harm or injuries):*
☐ Response is stated in Attachment 8d.

e. Did the respondent use or threaten to use a gun or any other weapon? ☒ Yes ☐ No *(If yes, describe):*
☒ Response is stated in Attachment 8e.

This is not a Court Order.

- 8 f. For any of the incidents described above, did the police come? ☐ Yes ☒ No ☐ I don't know
If yes, did the employee or the respondent receive an Emergency Protective Order?
☐ Yes ☐ No ☐ I don't know
If yes, the order protects (check all that apply):
☐ the employee ☐ the respondent ☐ one or more of the persons in (4).
(Attach a copy of the order if you have one.)

Check the orders you want ☒**9 ☒ Personal Conduct Orders**

I ask the court to order the respondent not to do any of the following things to the employee or to any person to be protected listed in (4):

- a. ☒ Harass, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, abuse, destroy personal property of, or disturb the peace of the person.
b. ☒ Commit acts of unlawful violence on or make threats of violence to the person.
c. ☒ Follow or stalk the person during work hours or to or from the place of work.
d. ☐ Contact the person, either directly or indirectly, by any means, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by email, by text message, by fax, or by other electronic means.
e. ☒ Enter the person's workplace.
f. ☐ Other (specify):
☐ As stated in Attachment 9f.

The respondent will be ordered not to take any action to get the addresses or locations of any protected person unless the court finds good cause not to make the order.

10 ☒ Stay-Away Orders

- a. I ask the court to order the respondent to stay at least 100 yards away from (check all that apply):

- (1) ☒ The employee.
(2) ☐ The other persons listed in (4).
(3) ☒ The employee's workplace.
(4) ☐ The employee's home.
(5) ☐ The employee's school.
(6) ☐ The school of the employee's children.
(7) ☐ The place of child care of the employee's children.

- (8) ☐ The employee's vehicle.

- (9) ☒ Other (specify):

Respondent has been on an extended leave of absence. Employer is currently investigating the incident and has not decided on a course of discipline.

This is not a Court Order.



- 10 b. If the court orders the respondent to stay away from all the places listed above, will he or she still be able to get to his or her home, school, or job? ☐ Yes ☒ No (If no, explain):
☐ Response is stated on Attachment 10b.

11 **Firearm (Guns), Firearm Parts, and Ammunition**

Does the respondent own or possess any firearms (guns), firearm parts, or ammunition? This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).

☒ Yes ☐ No ☐ I don't know

If the judge grants a protective order, the respondent will be prohibited from owning, possessing, purchasing, receiving, or attempting to purchase or receive firearms (guns), firearm parts, and ammunition while the protective order is in effect. The respondent will also be ordered to turn in to law enforcement, or sell to or store with a licensed gun dealer, any firearms (guns) and firearm parts within his or her immediate possession or control.

12 ☒ **Temporary Restraining Order**

I request that a Temporary Restraining Order (TRO) be issued against the Respondent to last until the hearing. I am presenting form WV-110, *Temporary Restraining Order*, for the court's signature together with this Petition.

Has the Respondent been told that you were going to go to court to seek a TRO against him or her?

☐ Yes ☒ No (If you answered no, explain why below):

☐ Reasons are stated in Attachment 12.

In order to protect Mr. Rhorer and the HSA employees from violence, no advance notice was provided regarding the TRO. Petitioner will have all required documents served on Respondent prior to the hearing, as required.

13 ☐ **Request for Less Than Five Days' Notice of Hearing**

You must have your papers personally served on the respondent at least five days before the hearing, unless the court orders a shorter time for service. (Form WV-200-INFO explains what is proof of personal service. Form WV-200, Proof of Personal Service, may be used to show the court that the papers have been served.)

If you want there to be fewer than five days between service and the hearing, explain why:

☐ Reasons are stated in Attachment 13.

This is not a Court Order.



Case Number: _____

14 ☒ **No Fee for Filing**

I ask that there be no filing fee because the respondent has threatened violence against the employee, or stalked the employee, or acted or spoken in a manner that has placed the employee in reasonable fear of violence.

15 ☒ **No Fee to Serve Orders**

I ask the court to order the sheriff or marshal to serve the respondent with the others for free because this request for orders is based on a credible threat of violence or stalking.

16 ☐ **Court Costs**

I ask the court to order the respondent to pay my court costs.

17 ☐ **Additional Orders Requested**

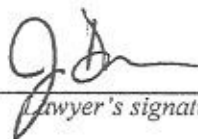
I ask the court to make the following additional orders (*specify*):

☐ Additional orders requested are stated in Attachment 17.

18 Number of pages attached to this form, if any: 32

Date: December 27, 2023

Jennifer Donnellan
Lawyer's name (if any)


Lawyer's signature

I declare under penalty of perjury under the laws of the State of California that the information above and on all attachments is true and correct.

Date: December 27, 2023

Trent Rhorer/City and County of San Francisco
Name of petitioner
Executive Director of the Human Services Agency for the
City and County of San Francisco
Title

/s/ Trent Rhorer
Signature

Per CRC 8.75, declarant has physically signed this document under penalty of perjury in the laws of California and the document is available for inspection upon request.

This is not a Court Order.

WV 100

ATTACHMENT 4A & 4B

The City seeks to protect the HSA employees and members of the public working or conducting business in the following HSA workplaces: 77 Otis Street; 170 Otis Street; 3801 Third Street; 1650 Mission Street; 1235 Mission Street; 3120 Mission Street; 2 Gough Street; and 1440 Harrison Street.

ATTACHMENT 4B

In the letter attached to Trent Rhorer's declaration herewith, Cunningham has set forth thoughts of pulling the fire alarm in HSA's workplaces and shooting all the individuals that exit the building. She has a 38 Smith and Wesson and has stated that she has priced automatic weapons, the price of which she finds low for a "firearm that could end many lives in a few seconds." She also discussed waiting until there is an "all faculty meeting and popping up at that meeting and killing as many people as [she] possibly can[,] especially those who have harmed [her]." She also discussed paying for employees' home addresses on the internet and "wait for them to leave their house and shoot them down in their driveways."

Given these statements, the City maintains that the HSA workplaces and the individuals working or doing business in the HSA workplaces require protection.

ATTACHMENT 8C & 8E- *See also Declaration of Trent Rhorer, attached herewith.*

Cunningham sent a letter to the City's long-term disability carrier, Hartford. On or about December 7, 2023, Hartford verbally notified the City's Health Service System (HSS), who handles the City's insurance plans, that Cunningham had made credible threats of violence in the letter. HSS notified Health Services Agency (HSA), the City department that employed Cunningham, and filed a police report.

Hartford provided a redacted copy of the letter to the San Francisco Police Department (SFPD). The SFPD obtained a gun violence restraining order against Cunningham. Hartford provided the redacted letter to the City for it to obtain a workplace restraining order.

The redacted letter sets out many distributing thoughts of violence toward Cunningham's co-workers and others. (*See Exhibit A to Declaration of Trent Rhorer.*) She stated that she has been "homicidal many[,] many times" and has focused her murderous thoughts on her coworkers (*Id.*) She said,

I often plan or think of ways that I could kill the people at my job who have harmed me since 2016. I have had fantasies about pulling the fire alarm to make everyone leave the building and when they all go down to the designated location outside for safety, I'd literally take out my 38 Smith & Wesson that is securely locked up right now and kill as many people as possible. I am very aware that there will be some innocent casualties and I'm sorry for that but in my head I don't care. I often think about paying a few extra dollars on the Internet to find out where these people live (I already have some of their addresses) and wait for them to leave their house and shoot them down in their driveways. (*Id.*)

She also talks about buying assault weapons and how the price would be a small price to pay to "end many lives in a few seconds." (*Id.*) She further explains that she "can relate so well to the employee who shoots up the workplace due to bullying tactics and harassment." (*Id.*)

Additionally, she discusses how repeatedly clicking her unloaded 38 Smith and Wesson relieves her. (*Id.*)

Trent Rhorer, the Executive Director of HSA, is concerned that Cunningham may carry out her threats on HSA employees and is extremely fearful for his safety and the safety of other HSA employees.

ATTACHMENT 8C

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO
UNLIMITED JURISDICTION

CITY AND COUNTY OF SAN
FRANCISCO,

Petitioner,

vs.

NIKCOLE CUNNINGHAM

Respondent.

Case No.

DECLARATION OF TRENT RHORER

I, TRENT RHORER, declare:

1. I am the Executive Director of the Human Services Agency ("HSA") for the City and County of San Francisco ("City"). I have personal knowledge of the facts stated below, and would testify competently to them if called as a witness to do so.

2. I submit this declaration as evidence for a Workplace Violence Restraining Order against Respondent Nikcole Cunningham ("Cunningham").

3. I have been the Executive Director of HSA for 23 years. In this capacity, I oversee 2400 employees who provide essential services to 250,000 San Franciscans each year. The programs HSA provides or facilitates include: Family and Children's Services (Child Protective Services, Foster Care, Adoption), Adult Protective Services, CalFresh, CalWORKs, Medi-Cal, County Veteran's services, In-Home Supportive Services, and others.

4. HSA's offices are located at the following San Francisco addresses: 77 Otis Street; 170 Otis Street; 3801 Third Street; 1650 Mission Street; 1235 Mission Street; 3120 Mission Street; 2 Gough Street; and 1440 Harrison Street.

Declaration of Trent Rhorer
*City & County of San Francisco v. Nikcole
Cunningham*, Case No.

1 5. Cunningham is currently employed by HSA as a permanent civil service classification
2 2918 Social Worker and began her employment with HSA since at least September 2007. She is
3 assigned to work at the HSA building at 170 Otis Street.

4 6. On or about December 7, 2023, an employee at the City's Health Service System
5 (HSS), which coordinates health plans for the City and other employers, notified me that the City's
6 long-term disability insurance provider Hartford informed the City that Cunningham made a credible
7 threat of workplace violence against HSA employees in a letter from Cunningham to Hartford. I
8 understood that HSS filed a police report based on the limited information it had from Hartford.

9 7. On or about December 15, 2023, I was informed that the City finally received a
10 redacted version of Cunningham's letter, and I was provided a copy. The letter disturbed me greatly.
11 Cunningham stated that she has been "homicidal many[,] many times" and has focused her murderous
12 thoughts on her coworkers. She said,

13 I often plan or think of ways that I could kill the people at my job who have
14 harmed me since 2016. I have had fantasies about pulling the fire alarm to
15 make everyone leave the building and when they all go down to the designated
16 location outside for safety, I'd literally take out my 38 Smith & Wesson that is
17 securely locked up right now and kill as many people as possible. I am very
aware that there will be some innocent casualties and I'm sorry for that but in
my head I don't care. I often think about paying a few extra dollars on the
Internet to find out where these people live (I already have some of their
addresses) and wait for them to leave their house and shoot them down in their
driveways.

18 A true and correct copy of the letter is attached to this declaration as Exhibit A.

19 8. Cunningham talks about buying assault weapons and how the price would be a small
20 price to pay to "end many lives in a few seconds." She further explains that she "can relate so well to
21 the employee who shoots up the workplace bullying tactics and harassment." Additionally, she
22 discusses how repeatedly clicking her unloaded 38 Smith and Wesson relieves her.

23 9. Given the Cunningham's detailed statements about workplace violence, I am concerned
24 that she is unstable and may actually carry out her threats on HSA employees of which I am one. I
25 consider Cunningham's letter to be a specific threat of physical violence against myself and other City
26 employees working HSA in San Francisco, including those at Cunningham's regular worksite of 170
27

1 Otis. As a result of Cunningham's threats, I am extremely fearful for my safety and for the safety of
2 other employees working at HSA in San Francisco.

3 I declare under penalty of perjury under the laws of the State of California that the foregoing is
4 true and correct. Executed on December 27, 2023, at San Francisco, California.

5
6 By: /s/ Trent Rhorer

7 TRENT RHORER

8 *Per CRC 8.75, declarant has physically signed this*
9 *document under penalty of perjury in the laws of*
10 *California and the document is available for inspection*
11 *upon request.*
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EXHIBIT A

Nikcole Cunningham

Po Box 883212

San Francisco, CA 94188

Mrs.nikcolecunningham@gmail.com

[REDACTED]

Website Feedback

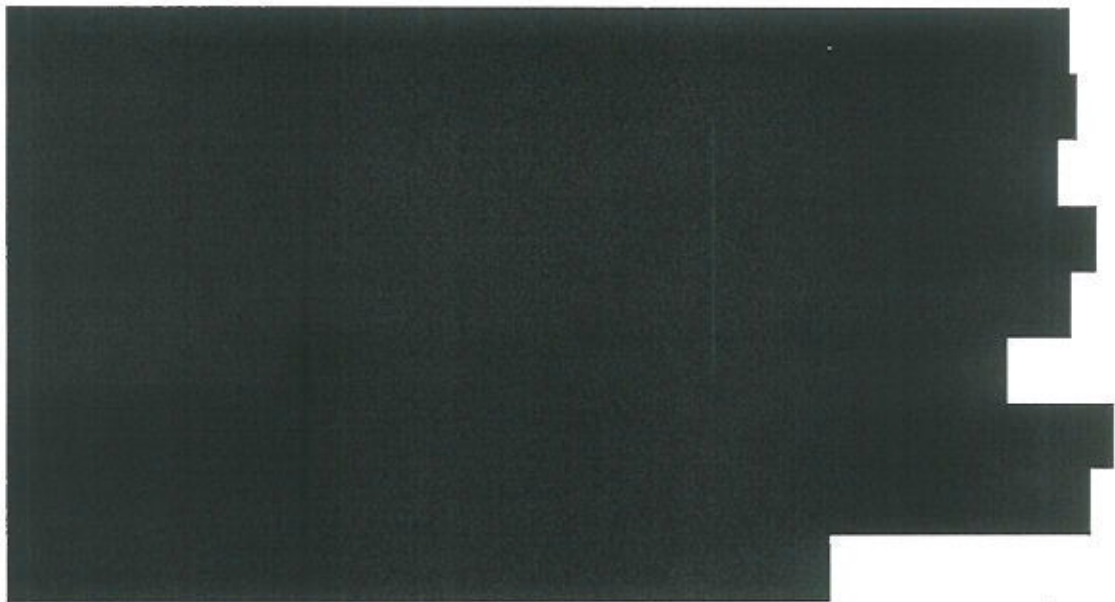
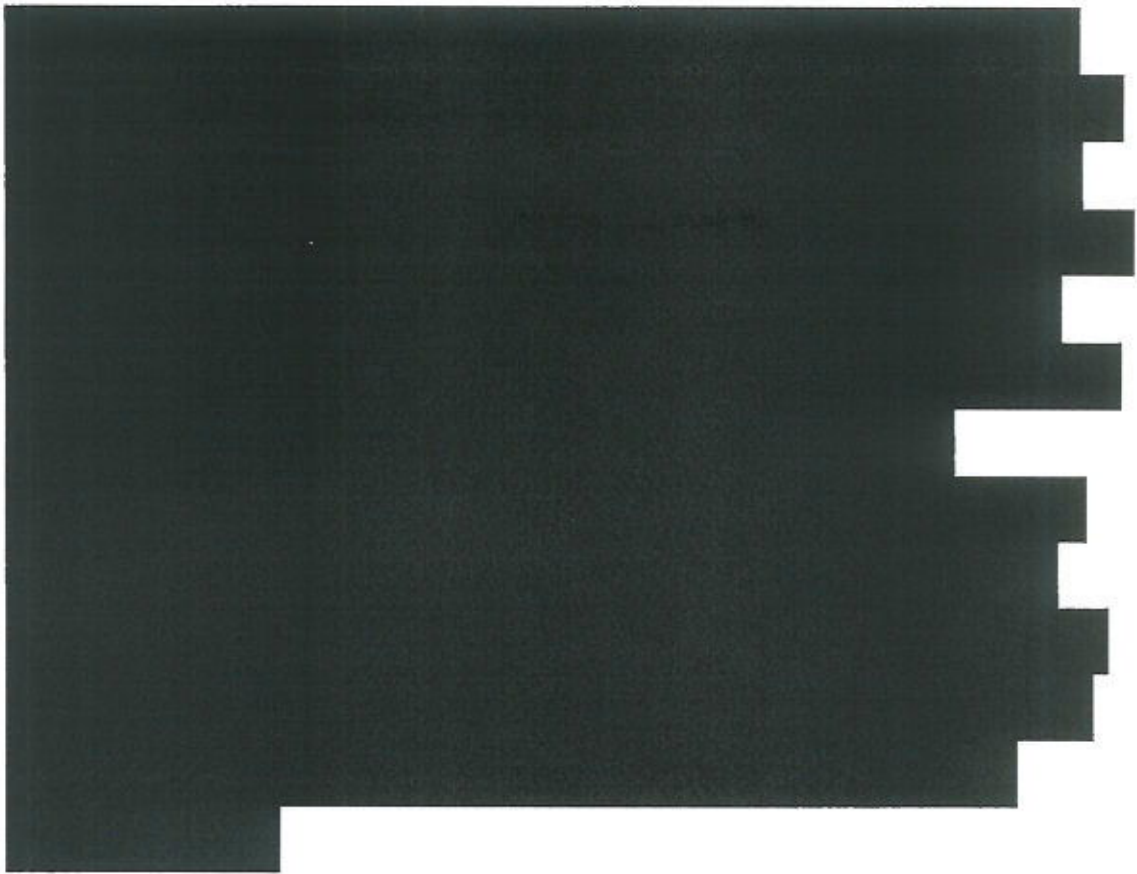
November 14, 2023

Re: Appeal claim #40726779 denial

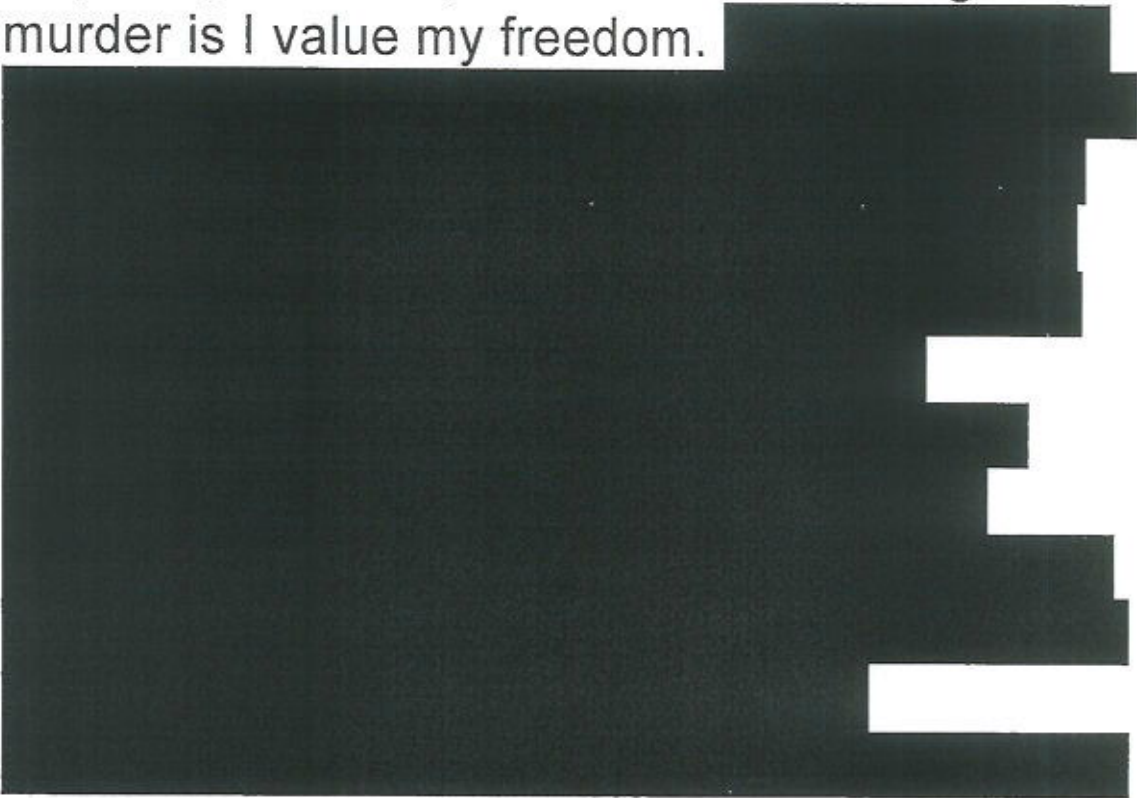
Dear The Hartford Long Term Disability
Insurance and Associates,

[REDACTED]

[REDACTED]



EVERYONE deserved the response I gave them because they caused this rage in me to come out. With that said, I'd like to share my past as well as specific examples of how I view the world and respond in the world. I HATE it here, but am never willing to commit suicide, but have certainly been homicidal many many times. The only thing that keeps me from committing murder is I value my freedom.



The only thing that crosses my mind is killing the people that have crossed me and the discomfort of prison.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

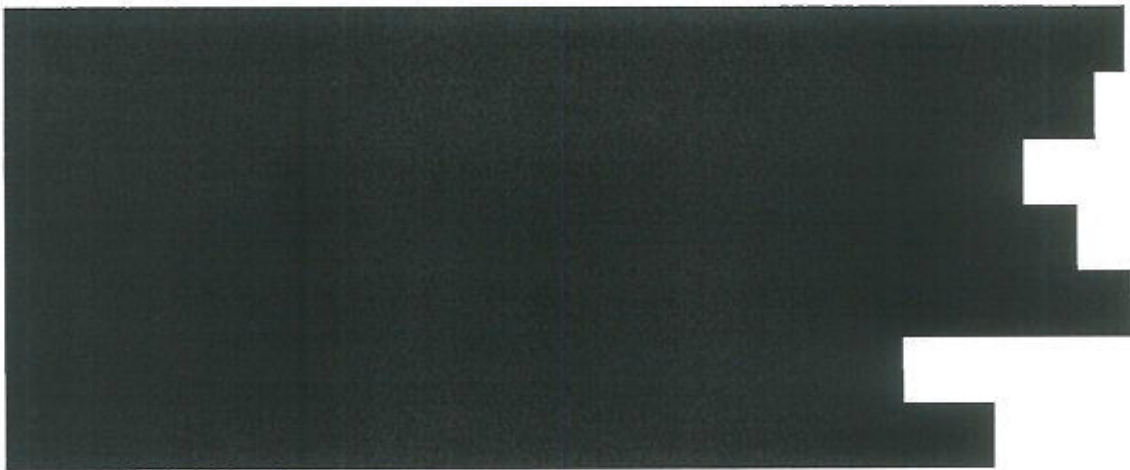
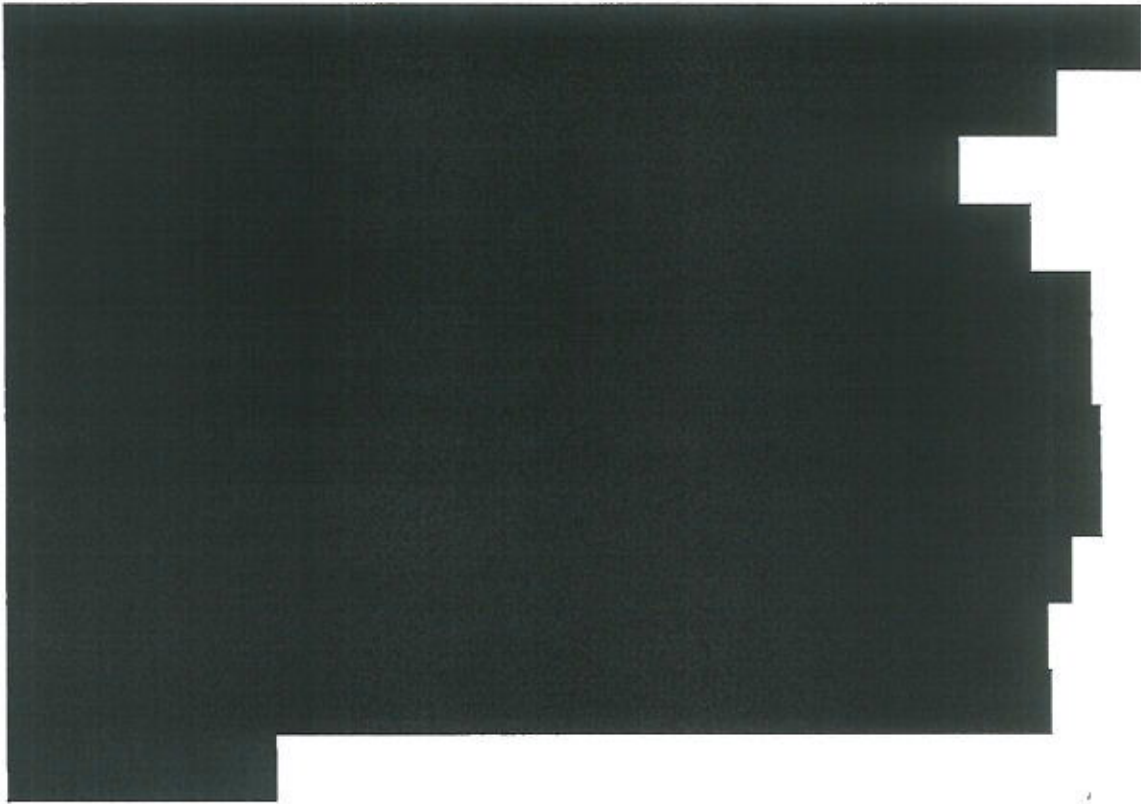
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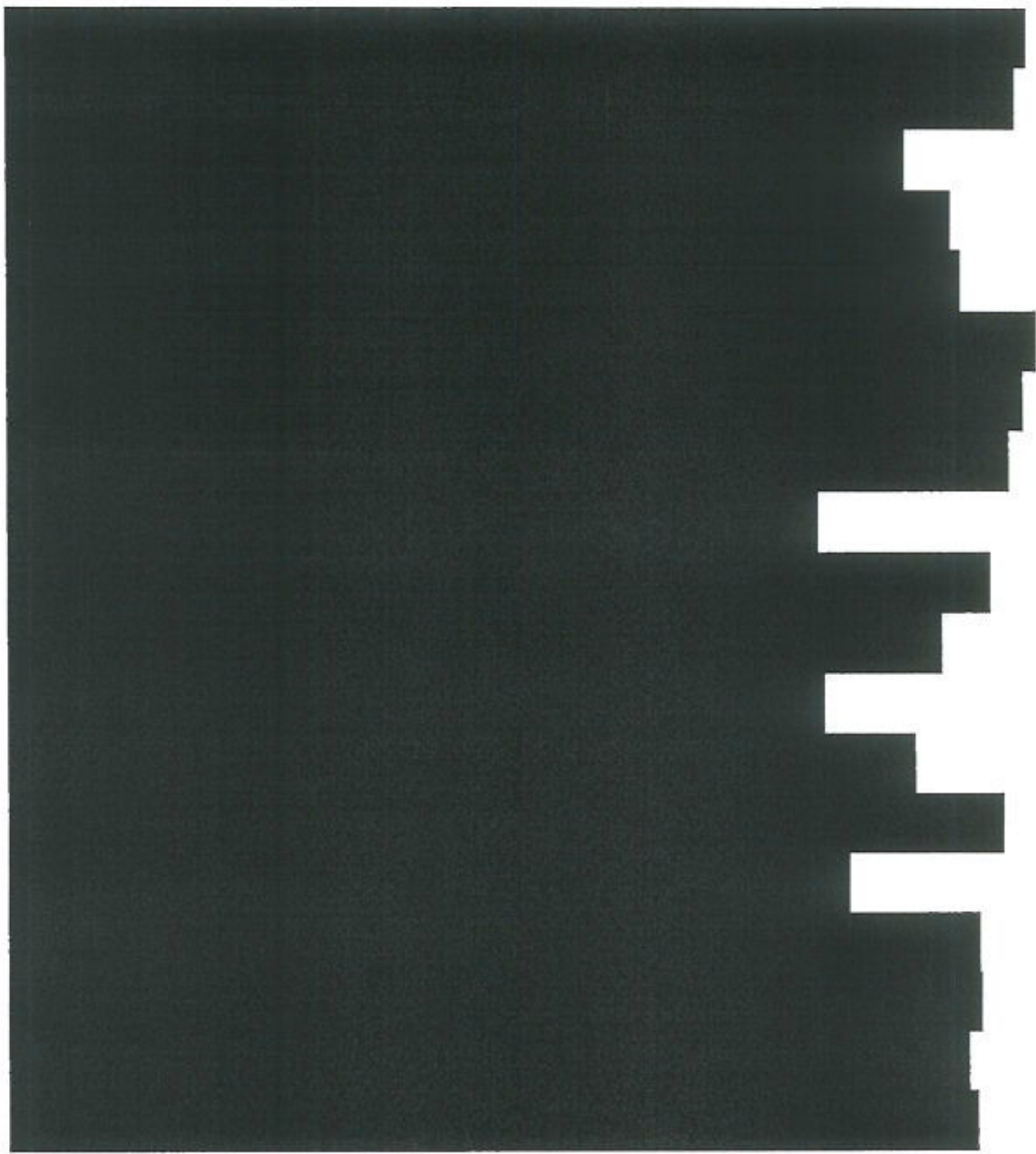
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]





[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

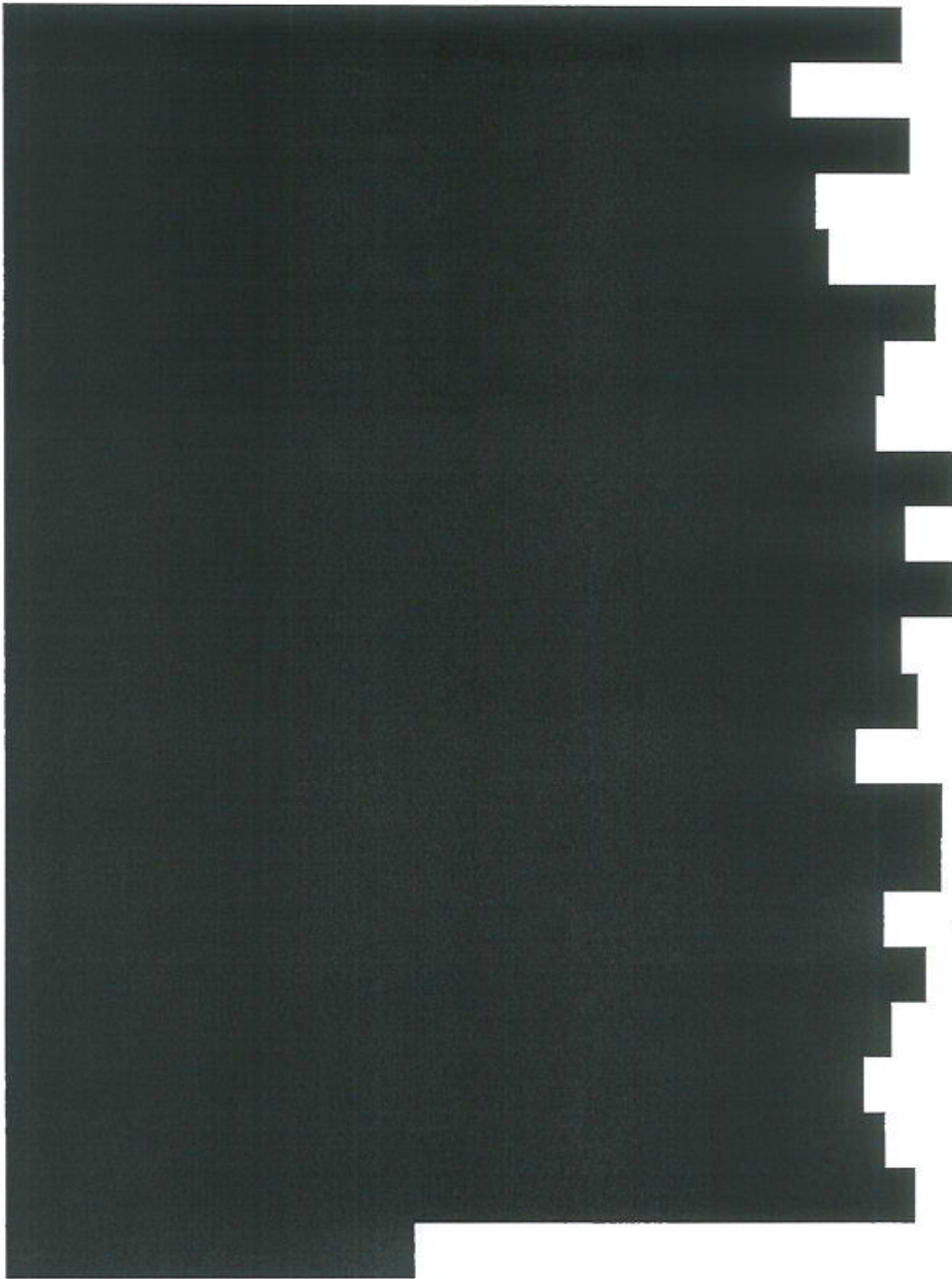
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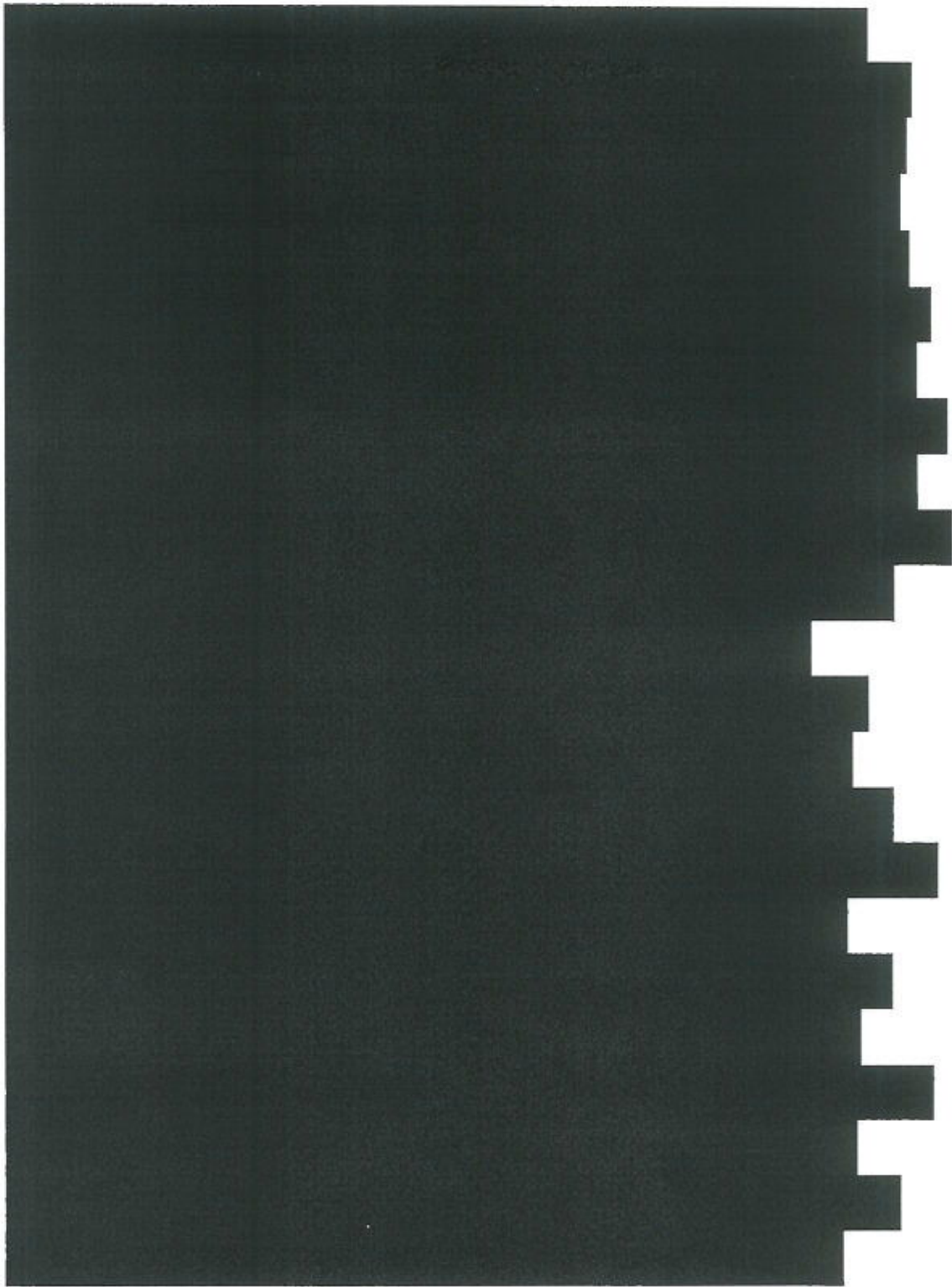
2

[REDACTED]

[REDACTED]

[REDACTED]





[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Ongoing thoughts:

As I write this appeal to you I will reiterate the fact that I'm not thinking of hurting myself or anyone else today. But I will share with you the ongoing thoughts that I have in my head very often. I often plan or think of ways that I could kill the people at my job who have harmed me since 2016. I have had fantasies about pulling

the fire alarm to make everyone leave the building and when they all go down to the designated location outside for safety, I'd literally take out my 38 Smith & Wesson that is securely locked up right now and kill as many people as possible. I know this sounds deranged and like a lunatic but this is absolutely how I feel. I've also had the fantasy of waiting till they have an "all faculty meeting" and popping up at that meeting and killing as many people as I possibly can especially those who have harmed me. I am very aware that there will be some innocent casualties and I'm sorry for that but in my head I don't care. I often think about paying a few extra dollars on the Internet to find out where these people live (I already have some of their addresses) and wait for them to leave their house and shoot them down in their driveways. The only thing that keeps me from behaving like this is I really do care about my freedom. I know I will be very uncomfortable in jail doing 25 years to life. What I really want is for these people to leave me alone, but they

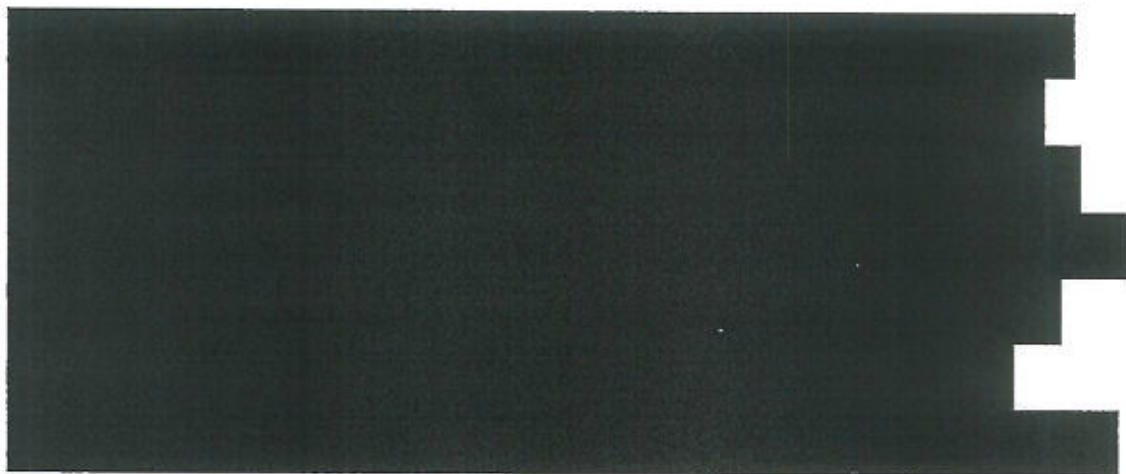
don't. They just continue to antagonize, discriminate, lie, retaliate and cause me distress.

I have absolutely hated the police since my dad was a San Francisco police officer. They do not protect and serve everyone equally. They often harm Black and Brown people every single day. I fantasize about going to a police officer's funeral where hundreds if not thousands of police officers will be present to share their respects but I would pull out a AK-47 and kill as many police officers as possible. I think of the 1976 movie Carrie and how she burned all those people down who teased her. I actually smile with glee thinking about how she got them back and all their blood on her body. I know it's gross, but that's where my head goes when I've been crossed. When people lie to me or on me I WANT THEM DEAD! Just the other day I googled the price of a AK-47 and AR-15 and the price was \$1,999. That seems like a small amount for a firearm that could end many lives in a few seconds. I can relate so well to the

employee who shoots up the workplace due to bullying tactics and harassment. It's sad, but I totally understand how someone can lose their minds from being mistreated over and over again. The other day I pulled out my unloaded 38 Smith and Wesson and clicked it several times and it felt relieving. I also fantasize about walking up to police officers and shooting them in the back of their heads. And it doesn't matter if they're male or female, Black or white because how they behave under the "blue badge" they all are horrible people and full of displaced power. Again, I am not planning to harm any police officers or anyone from my job or anyone in general at this time. I'm simply sharing with you the extent of which my mental health has been jeopardized and compromised by the society that we live in that stemmed directly from my childhood traumas.

Examples of when I almost didn't care about my freedom:

A) In 2017 I went to court with my ex-husband who was trying to get \$800 a month in child support for me. My ex-husband made three times less than what I made. He had a second wife as well as had an inheritance of \$210,000. As I walk through the courtroom I told the Lord, "You better fix this before I do!" When I meant by that was I had every intention of breaking out every single one of his car windows and slashing every tire every single month so that he spent those \$800 to fix his car. Fortunately, by the end of the Court meeting I only had to pay \$100 a month. Lucky for both of us no one got hurt and I didn't go to jail for vandalizing his vehicle.



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Thank you,

Nikcole Cunningham